

**City of Reading City Council
Regular Business Meeting
Monday, September 12, 2011**

Vaughn D. Spencer, President of Council, called the meeting to order.

The invocation was given by Pastor Lee Ritz from Destiny Christian Ministry.

All present pledged to the flag.

ATTENDANCE

Council President Spencer

Councilor Acosta, District 1

Councilor Goodman-Hinnershitz, District 2

Councilor Sterner, District 3

Councilor Marmarou, District 4

Councilor Waltman, District 6

City Auditor D. Cituk

City Solicitor C. Younger

City Clerk L. Kelleher

Mayor T. McMahon

Managing Director C. Geffken

PROCLAMATIONS AND PRESENTATIONS

City Council issued a commendation recognizing National Recovery Month accepted by Easy Does It.

PUBLIC COMMENT

Council President announced that three (3) citizens were registered to address Council on agenda matters. He inquired if any member of Council objected to suspending the public speaking rule requiring non-agenda comment at the end of the meeting. As no one objected, the rule was suspended. Council President Spencer reminded the citizens about the public speaking rules.

Dennis Price, of Mercer Street, spoke in objection of the City's enforcement of parking regulations and the Quality of Life ticketing ordinance on private property. He expressed the belief that the lack of inspection stickers does not cause a vehicle to be unregistered. He stated that proper vehicle registration is provided by the license plate. He also objected to the Quality of Life ticket regarding trash receptacle set out. He expressed the belief that the City's prior use of a Notice of Violation letter was a better approach. He suggested that search and seizure regulations are violated when a City official comes on private property to enforce

ordinances.

Chuck Liedike, of the Reading-Berks Association of Realtors, Government Affairs Office, noted that the City will be introducing the CORE (COmmunity Reinvestment) ordinance this evening. He stated that the CORE program will help move vacant properties into productive reuse. He explained that the CORE goal is to seek out owner occupancy. He noted that vacant properties decrease adjoining property values by \$8K on average. He noted the Association's excitement to begin this important partnership with the City.

Ernie Schlegel, of Pear Street, thanked Council and the Administration for allocating money to the repairs on the library buildings. He also noted his thanks for the recent plaster restoration at the main branch library. He noted the library's application for \$500K for the CDBG 2012 budget year.

APPROVAL OF THE AGENDA & MINUTES

Council President Spencer called Council's attention to the minutes from August 22nd Regular meeting of Council and the agenda for this meeting. He noted the Administration's request to withdraw the Award of Contract for the 5th and Bingaman traffic signal from the Consent Agenda. He also noted the need to add a resolution ratifying the declaration of emergency to the Consent Agenda.

Councilor Sterner moved, seconded by Councilor Marmarou, to approve the minutes from the August 22nd Regular Meeting of Council and the agenda, as amended, including the legislation listed under the Consent Agenda heading. The motion was approved unanimously.

Consent Agenda Legislation

A. Resolution 57-2011 authorizing the Mayor to execute a FFY2011 (37th CD year - January 1, 2011 to December 31, 2011) Action Plan Amendment cancelling the 2011 Penn Street Improvements activity and re-programming \$412,000 in unprogrammed CDBG funds for the following activities:

\$20,000 - Reading Public Library Improvements
\$43,000 - Reading Public Library Southeast Branch Improvements
\$43,000 - Reading Public Library Northeast Branch Improvements
\$43,000 - Reading Public Library Northwest Branch Improvements
\$45,000 - S. 5th and Bingaman Streets Pedestrian Warning Device
\$130,000 - Schlegel Park Swimming Pool Improvements
\$88,000 - Olivet Boys and Girls Club Swimming Pool Improvements

B. Resolution 58-2011 promoting Lt. Mark Spotts to the rank of Captain (Police)

C. Resolution 59–2011 authorizing the hiring of Daniel Cestelluci as a Probationary Police Officer **(Police)**

D. Resolution 60–2011 ratifying the Mayor’s Declaration of Emergency for weather conditions existing between September 3rd and September 15th. **(Police)**

ADMINISTRATIVE REPORT

Mayor McMahon read the report distributed to Council at the meeting covering the following:

- Noting the annual celebration of September 11th at City Park
- Thanks to Deputy Chief and Emergency Management Coordinator Jim Conrad for his work to prepare the City for the recent weather emergency
- Update on the sewer force main break
- Completion of the 2010 external audit by Herbein & Co.

Councilor Goodman-Hinnershitz thanked the Police, Fire and Public Works for their work to handle the recent flood and debris. She inquired about the City’s plans to remove the debris in District 2 and citywide. Mayor McMahon stated that Mr. Denbowski will follow up.

AUDITOR’S REPORT

City Auditor Cituk introduced Linda Himebach and Chris Turtell from Herbein & Co. Mr. Turtell highlighted the external audit report along with the identified fiscal deficiencies, findings and corrective action plan. He stated that the deficit at the end of the 2010 fiscal year is \$5M. He thanked Finance staff for their cooperation through this difficult process.

City Auditor Cituk agreed that this was a difficult year due to various staffing issues. He thanked the Finance Department, Herbein & Co. and the Auditor’s assistant.

ORDINANCES FOR FINAL PASSAGE

Bill No. 38-2011 - amending the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, fee schedule, to reflect the new rate for Police Department standby charges **(Law)**
Introduced at the August 22 regular meeting

Councilor Acosta moved, seconded by Councilor Marmarou, to enact Bill No. 38-2011.

Mr. Geffken explained that these increases will cover Police services at non-City events.

Bill No. 38-2011 was enacted by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer,

President – 6

Nays: None – 0

Bill No. 39-2011A - amending Chapter 5, Code Enforcement, Section 1403 Quality of Life Violations and Section 1410 Fines and Penalties of the Codified Ordinances of the City of Reading, adding additional Quality of Life Violations **(Bus Analyst/Law)** *Introduced at the August 22 regular meeting*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Acosta, to enact Bill No. 39A-2011.

Council President Spencer stated that this ordinance will add four (4) additional violations to the Quality of Life Ticketing ordinance such as Historic District violations, Satellite Violations in Historic Districts, Temporary Dumpster, Registered Trash haulers, etc. He stated that those issuing Quality of Life tickets are instructed to warn citizens prior to the issuance of tickets if possible.

Councilor Waltman stated that he did not support the creation of the Quality of Life Ticketing ordinance due to its lack of balance with an end to end process. He expressed the belief that the program misses the bigger picture as many areas in the City are in dire condition.

Councilor Goodman-Hinnershitz noted that Mr. Price, who spoke in Public Comment, is confusing the regulations in the Vehicle Code and the Quality of Life Ticketing ordinance. She expressed the need for greater education on the Quality of Life ticketing program and noted that many areas in the City have responded positively to the Quality of Life ticketing program.

Bill No. 39A-2011 was enacted by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer,

President – 6

Nays: None - 0

Bill No. 41-2011A - Amending the Code of Ordinances, City of Reading, Chapter 1, Part 5 Boards, Departments and Commissions, O. Diversity Board, Section 1-599.53 Membership to reduce the number of members from thirteen to nine **(Law)** *Introduced at the August 22 regular meeting*

Councilor Acosta moved, seconded by Councilor Marmarou, to enact Bill No. 41-2011A.

Council President Spencer stated that this amendment will reduce the number of City management employees on the Diversity Board. Managing Director Geffken explained the activities of this Board.

Bill No. 41-2011A was enacted by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer,

President – 6

Nays: None – 0

Bill No. 42-2011 - amending the International/City of Reading Building Code, Existing Building Code, Plumbing Code, Electrical Code, Mechanical Code, and Residential Code and as adopted by the City of Reading and Codified in Chapter 5, Code Enforcement by amending the placard removal fee and requiring in house accessibility plan reviews (**Law**) *Introduced at the August 22 regular meeting*

Councilor Acosta moved, seconded by Councilor Sterner, to enact Bill No. 42-2011.

Council President Spencer explained the need for these changes.

Bill No. 42-2011 was enacted by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer,

President – 6

Nays: None – 0

Bill No. 43-2011 - amending the International/City of Reading Building Code, as adopted by the City of Reading and Codified in Chapter 5, Code Enforcement, by amending the placard removal fee and requiring in house accessibility plan reviews (**Law**) *Introduced at the August 22 regular meeting*

Councilor Marmarou moved, seconded by Councilor Acosta, to enact Bill No. 43-2011.

Council President Spencer explained that the Chief Building Inspector is certified to review Accessibility Plans. He noted that the skill of this staff member will eliminate the need to outsource this review process.

Bill No. 43-2011 was enacted by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer,

President – 6

Nays: None – 0

INTRODUCTION OF NEW ORDINANCES

Council President Spencer read the following ordinances into the record:

A. Ordinance - amending the City of Reading Codified Ordinances Chapter 1 Administration and Government, Section §1-186. Fiscal Provisions, Part 4 Bank and Investment Accounts (**Council Staff**)

B. Ordinance - amending Section 27-501 of the City of Reading Zoning Ordinance by amending the Map which provides for the boundaries of the Districts enumerated in Section 27-501. Section 27-501 shall be amended to provide for the rezoning of a parcel of land currently located within the City of Reading's R-1 zoning district to H-M, heavy manufacturing. The parcel of land to be rezoned from R-1 to HMm is that portion of a parcel of land located partially within Muhlenberg Township and partially within the City of Reading, which is located within the City of Reading and is bounded by Leiczs Bridge Road and State Route 12 having Berks County parcel identification number 530814427905, as further described in a deed recorded in the office in and for the Berks County Recorder of Deeds at deed book volume 1914 pg. 0112

C. Ordinance - authorizing the Mayor to execute the Memorandum of Understanding between the Reading Berks Association of Realtors and the City of Reading for the creation of the CORE Program within Reading (**Law/Council Staff**)

D. Ordinance - amending the City of Reading Codified Ordinances Chapter 15 Parking Meters Section §15-502 Parking Meter Zones, Section §15-503 Saturdays, Sundays, holidays exempted, §15-504 time of parking limited by zone; hours of operation (**Law/Council Staff**)

E. Ordinance - authorizing the Mayor or the Purchasing Coordinator, as his designee, to enter into an agreement with Municibid (online government auctions) to list various city property items for public sale online to the highest bidder (**Law**)

RESOLUTIONS

Resolution 161-2011 - denying the Conditional Use application submitted by David DeJesus and Maritza Concepcion requesting a zoning permit for a two (2) unit conversion at 334 McKnight Street and orders that the property be de-converted to a one unit single family owner occupied property within six (6) months of the date this order (**Council Staff/Law**)

Councilor Acosta moved, seconded by Councilor Goodman-Hinnershitz, to adopt Resolution No. 161-2011.

Resolution No. 161-2011 was adopted by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer,
President – 6
Nays: None – 0

Resolution 162-2011 - approving the Conditional Use application submitted by Ryan Bradley and Second Chance requesting a zoning permit for a group home at 132 West Oley

Street with conditions as attached herein (**Council Staff/Law**)

Councilor Goodman-Hinnershitz moved, seconded by Councilor Marmarou, to adopt Resolution No. 162-2011.

Council President Spencer noted that this Conditional Use application for a group home is being approved with conditions which must be met to avoid revocation of the Conditional Use permit.

Resolution No. 162-2011 was adopted by the following vote:

**Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer,
President – 6
Nays: None – 0**

Resolution 163–2011 appointing Melvyn Jacobson to the Redistricting Committee (**Admin Oversight**)

Resolution 164–2011 appointing Barbara D’Agostino to the Redistricting Committee (**Admin Oversight**)

Resolution 165–2011 appointing Geraldine Westley to the Citizens Advisory Board (**Admin Oversight**)

Resolution 166–2011 appointing Candice Mayton to the Citizens Advisory Board (**Admin Oversight**)

Resolution 167–2011 appointing Pamela Cianciosi to the Citizens Advisory Board (**Admin Oversight**)

Resolution 168–2011 reappointing Kevin Devera to the Stadium Commission (**Admin Oversight**)

Resolution 169–2011 reappointing Michael Fiucci to the Berks County Convention Center Authority (**Admin Oversight**)

Resolution 170–2011 appointing Kelly Christman to the Shade Tree Commission (**Admin Oversight**)

Councilor Acosta moved, seconded by Councilor Marmarou, to adopt Resolution No. 163-

2011 through 170-2011.

Mayor McMahon left the meeting at this time.

Councilor Marmarou noted the experience of those being reappointed and the qualifications of those being appointed.

Resolution No. 163-2011 through 170-2011 were adopted by the following vote:

Yeas: Acosta, Goodman-Hinnershitz, Marmarou, Sterner, Waltman, Spencer,

President – 6

Nays: None – 0

COUNCIL COMMENT

Councilor Marmarou explained the inconsistencies with Mr. Price's statements during the Public Comment period on agenda matters.

Councilor Sterner congratulated the Easy Does It program for their work and thanked those who spoke during the Public Comment period. Councilor Sterner also noted the merits of the Quality of Life ticketing program which outweigh the negative perceptions people have of the program.

Councilor Goodman-Hinnershitz thanked District 2 residents for their work to clean up after the storm. She announced that the Olive's/ Pendra Park project will be heard at the September 14th Zoning Hearing Board meeting. She expressed the belief that the project will be beneficial to the surrounding community and children in East Reading.

Council President Spencer reviewed the Council meeting schedule.

Councilor Acosta moved, seconded by Councilor Waltman, to adjourn the regular meeting of Council.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk